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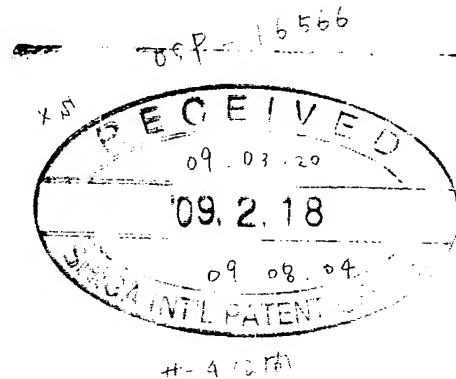
BREVATOME

Date : February 6, 2009

Y.REF. : OSP-28479
O.REF. : **SR 27439.DIV.I/JP/DB**
SP-8645-DB/mb

RE : European Patent Application
N° 08 169 446.5 of February 02, 2004

Applicant(s) : NIPPON TELEGRAPH & TELEPHONE CORP

 SHIGA INTERNATIONAL PATENT
OFFICE
Gran Tokyo South Tower
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JAPON
**EXTENDED EUROPEAN SEARCH REPORT**

Dear Sirs,

With regard to the patent application cited above, we have just received the European search report and the European search opinion issued by the European Patent Office. You will find enclosed a copy of these documents.

In the present case, the search opinion is negative. Should you wish to receive our analysis of this opinion, please let us know as soon as possible.

At this stage of the procedure, **responding to the opinion is not mandatory**. However, should we not respond, the first communication of the Examining Division would simply refer back to the objections raised in the search opinion.

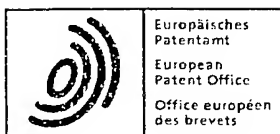
The request for examination may be filed by the applicant up to the end of six months after the date on which the European Patent Bulletin mentions the publication of the European search report. We will inform you of the date of publication as soon as we are advised by the European Patent Office.

We take the opportunity to join our debit note regarding the present transmission.

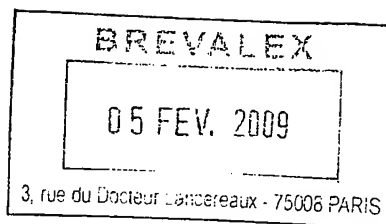
Yours faithfully,

D. du BOISBAUDRY

Encl. : Search report
Search opinion
Cited document(s)
Debit note



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Date
04.02.09

Reference SR27439DIV1JPDB	Application No./Patent No. 08169446.5 - 2416
Applicant/Proprietor Nippon Telegraph and Telephone Corporation	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☒ 1 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☒ Abstract ☒ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: none

Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



EUROPEAN SEARCH REPORT

Application Number
EP 08 16 9446

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	US 2003/012189 A1 (NOMURA YUJI [JP] ET AL) 16 January 2003 (2003-01-16) * paragraph [0058] - paragraph [0068] * * paragraph [0105] *	1-10	INV. H04L12/56 H04B10/20 H04L12/46
X	ROSEN Y REKHTER CISCO SYSTEMS E ET AL: "BGP/MPLS VPNs; rfc2547.txt" IETF STANDARD, INTERNET ENGINEERING TASK FORCE, IETF, CH, 1 March 1999 (1999-03-01), XP015008330 ISSN: 0000-0003 Chapter 5. Forwarding Across the Backbone * page 15 - page 16 *	1-10	
X	US 2002/067725 A1 (OGUCHI NAOKI [JP] ET AL) 6 June 2002 (2002-06-06) * paragraph [0034] - paragraph [0038] * * paragraph [0046] - paragraph [0049] *	1-10	
X	WO 02/099575 A (FUJITSU NETWORK COMMUNICATIONS [US]) 12 December 2002 (2002-12-12) * page 4, line 5 - page 7, line 9 *	1-10	TECHNICAL FIELDS SEARCHED (IPC) H04Q H04L
X	US 2002/071437 A1 (NISHIKADO TAKASHI [JP] ET AL) 13 June 2002 (2002-06-13) * paragraphs [0016], [0026] *	1,4,7	
A	EP 0 731 582 A (AT & T CORP [US]) 11 September 1996 (1996-09-11) * page 3, line 25 - line 32 *	1,4,7	
The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 29 January 2009	Examiner Raible, Markus
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 08 16 9446

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

29-01-2009

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 2003012189	A1	16-01-2003	JP	2003032280 A	31-01-2003
US 2002067725	A1	06-06-2002	JP	2002176436 A	21-06-2002
WO 02099575	A	12-12-2002	NONE		
US 2002071437	A1	13-06-2002	NONE		
EP 0731582	A	11-09-1996	CA	2169493 A1	11-09-1996
			CN	1135689 A	13-11-1996
			JP	9008838 A	10-01-1997
			SG	64900 A1	25-05-1999
			US	5600644 A	04-02-1997

The examination is being carried out on the **following application documents**:

Description, Pages

1-45 filed in electronic form on 19.11.2008

Claims, Numbers

1-10 filed in electronic form on 19.11.2008

Drawings, Sheets

1/19-19/19 filed in electronic form on 19.11.2008

- 1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

- D1: US 2003/012189 A1 (NOMURA YUJI [JP] ET AL) 16 January 2003 (2003-01-16)
D2: ROSEN Y REKHTER CISCO SYSTEMS E ET AL: "BGP/MPLS VPNs; rfc2547.txt" IETF STANDARD, INTERNET ENGINEERING TASK FORCE, IETF, CH, 1 March 1999 (1999-03-01), XP015008330 ISSN: 0000-0003
D3: US 2002/067725 A1 (OGUCHI NAOKI [JP] ET AL) 6 June 2002 (2002-06-06)
D4: WO 02/099575 A (FUJITSU NETWORK COMMUNICATIONS [US]) 12 December 2002 (2002-12-12)
D5: US 2002/071437 A1 (NISHIKADO TAKASHI [JP] ET AL) 13 June 2002 (2002-06-13)

- 2 The application does not meet the requirements of Article 84 EPC, because the statement in the description on page 44, line 24 to page 45, line 1, "It should be noted ... concept of the present invention." implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in a lack of clarity of the claims (Article 84 EPC) when the description is

used to interpret the claims (see Guidelines C-III, 4.4). This statement should therefore be amended to remove this inconsistency.

- 3 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claims 1 to 10 is not new within the meaning of Article 54(1) and (2) EPC.

- 3.1 With respect to claim 1, Document D1 discloses (the references in parentheses applying to this document):

A cutting-through method for direct communication by a plurality of edge routers for connecting a core network and a plurality of external IP networks mutually at border points of the core network and external IP networks {Paragraphs [0060], [0058]}, comprising: maintaining lists, in which ingress-side IP address correspond to identifiers for showing outgoing interfaces of egress edge routers, in ingress edge routers {Paragraph [0061]}; adding the identifiers corresponding to the ingress side IP address to the IP packets by the ingress edge routers {Paragraph [0062], first sentence}. when IP packets are transmitted; transmitting the IP packets to the outgoing interfaces by referring to the identifiers added to the IP packets in the egress edge routers {Paragraph [0062], second sentence}.

For the sake of completeness, it should be mentioned that all features of claim 1 are also disclosed by Document D2, see page 15 to 16, Chapter 5. PE routers correspond to edge routers, the MPLS backbone corresponds to the core; please note, that - according to the third paragraph - address prefixes are evaluated for assigning an MPLS label.

For the sake of completeness, it should be mentioned that all features of claim 1 are also disclosed by Document D3, see Paragraph [0038] (Correspondence between IP prefix and LSPs) and Paragraphs [0046-0049]. It is implicitly disclosed that received IP packets are actually forwarded via the MPLS core.

For the sake of completeness, it should also be mentioned that all features of claim 1 are also disclosed by Documents D4 and D5 (see passages cited in the search report).

The subject-matter of claim 1 is therefore not new (Article 54(1) and (2) EPC).

- 3.2 Similar objections and the same passages like for claim 1 also apply to independent claims 4 and 7 which are a representation of the subject matter of claim 1 in different categories. Consequently, the subject-matter of claim 4 and 7 is also not new (Article 54(1) and (2) EPC).
- 3.3 The subject matter of the remaining dependent claims (use of MPLS labels and exchange of correspondence information among edge routers) are already disclosed by documents D1 (above passages and Paragraph [105], D2 (same passage as above, see description of IGP / BGP), and D3 (same passage as above, see role of BGP). Consequently, the subject-matter of all dependent claims is also not new (Article 54(1) and (2) EPC).
- 4 The applicant is invited to file amendments in the response to the above objections. The applicant is requested to also attend to the following matters:
- 4.1 New independent claims should be drafted taking account of Rule 43(1) EPC where the features known from document D1 should be put into the preamble. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-a-vis the state of the art (in particular document D1) and the significance thereof.
- 4.2 Reference signs in parentheses should be inserted in all the claims to increase their intelligibility (Rule 43(7) EPC). This applies to both the preamble and characterising portion. Where a method claim makes reference to apparatus features, these should also be accompanied by the respective reference signs wherever appropriate.
- 4.3 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims (Rule 42(1)c EPC). To meet the requirements of Rule 42(1)b EPC, the documents D1 to D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 4.4 Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2)EPC).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the applicant regards it as appropriate, these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

- 4.5 Provisionally, the applicant is pointed to rule 137(3) EPC. Accordingly, the Examining Division may refuse further amendments after a first amendment in the examination phase, if substantial objections to the application (i.e. according to Art. 52, 54, 56, 84 EPC) have not yet been overcome.

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